

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

914 WRIT PETITION NO.10826 OF 2022

**SUDHIR PREMCHAND TYARAL JAIN AND OTHERS
VERSUS
SANTOSHKUMAR MADHAVRAO TYARAL JAIN AND OTHERS**

...
Advocate for Petitioners : Mr. R. K. Ingole

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CORAM : SANDEEP V. MARNE, J.

DATE : 18-11-2022

PER COURT :

. The petitioner has challenged the order dated 08.07.2022 passed by the Civil Judge Junior Division, Kalamnuri below Exh.22 in Regular Civil Suit No.57 of 2017 allowing plaintiffs application for appointment of Court Commissioner for joint measurement of lands of the plaintiffs and the defendants. The suit is filed alleging encroachment of land of the plaintiffs by the defendants. With a view to establish such an encroachment, measurement of lands of the plaintiffs and the defendants was sought by appointment of Deputy Superintendent of Land Records. The application has been allowed by the trial Court.

2. The only objection raised by the petitioners to the impugned order is that the trial Court ought to have directed

measurement of lands of all the brothers and not just the plaintiffs and the defendants. It is submitted that such measurement of lands of all the brothers would present clear picture before the court. In my view, the said contention is totally misplaced. The plaintiffs alleged encroachment only by the defendants and it is beyond comprehension as to why the lands of the other persons who are not parties to the suit should be measured.

3. The petition is devoid of merits and the same is dismissed without any orders as to costs.

(SANDEEP V. MARNE, J.)